

**ENTERED**

June 05, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RICHARD LOWERY,	§ CIVIL ACTION NO
Plaintiff,	§ 4:22-cv-03091
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
TEXAS A&M	§
UNIVERSITY, <i>et al</i> ,	§
Defendants.	§

**MINUTE ENTRY AND ORDER**

Minute entry for MOTION HEARING before Judge Charles Eskridge on May 31, 2023. All parties represented by counsel.

The Court addressed the motion by Defendants Texas A&M University, *et al*, to dismiss under Rules 12(b)(1) and 12(b)(6). Dkt 18.

Decision on the motion under Rule 12(b)(6), if necessary, was deferred until after the Supreme Court issues its forthcoming decision in *Student for Fair Admissions v President and Fellows of Harvard College*.

Argument heard on the motion under Rule 12(b)(1).

Defendants noted that the Texas legislature recently passed an act intended to curtail diversity and inclusion initiatives at universities, including with respect to faculty hiring. The parties had filed advisories on this just prior to the hearing. See Dkts 28 & 29.

The parties were ORDERED to confer and submit a joint status report by June 12, 2023, on the potential for resolution or deferral of this dispute in light of this development. They may state there whether they wish to

submit supplemental briefing on the impact of the new law on the jurisdictional issues in this case.

The motion was otherwise TAKEN UNDER ADVISEMENT.

SO ORDERED.

Signed on May 31, 2023, at Houston, Texas.

  
Hon. Charles Eskridge  
United States District Judge